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May 14, 2018

Via ECF and Email

The Honorable Joan M. Azrack
United States District Court
Eastern District of New York
924 Federal Plaza
Central Islip, NY 11722

Re: *United States v. Edward Mangano, et al.*
Criminal Docket No. 16-540

Dear Judge Azrack,

For the reasons articulated by Mr. Keating during his Rule 29 argument, counsel for Edward Mangano respectfully objects to the jury being charged with respect to an aiding and abetting theory of liability. Specifically, the record in this case does merit such a charge, because there is no evidence that Mr. Mangano was aware John Venditto received bribes or things of value; much less that he assisted Mr. Venditto in the receipt of such bribes.

Likewise, for the reasons articulated by Mr. Keating, we would reiterate our prior request to charge with respect to obstruction of justice. That request included the following language:

“The action taken by the accused must be with an intent to influence judicial or grand jury proceedings; it is not enough that there be an intent to influence some ancillary proceeding, such as an investigation independent of the Court or grand jury’s authority.” In this regard, merely “uttering false statements to an investigating agent who may or may not testify before the grand jury” is not sufficient to satisfy this element.¹

Respectfully submitted,

/s/

Matthew W. Brissenden

¹ *United States v. Aguilar*, 515 U.S. 593 (1995)

cc: All Counsel (*via* ECF and email)